

**Meeting Date: Nov. 5-7, 2008**

**Agenda Item: 21**

**Bureau Chief Approval: \_\_\_\_\_**

**Prepared by:** W. Dallas Burkhalter  
Deputy Attorney General

**Background:** As part of the rulemaking process under the Idaho Administrative Procedures Act (IDAPA), the Commission needs to adopt as **Pending Rules** those Proposed Rules previously promulgated during the last rulemaking year. We have referred to this process as 'ratification' because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2009 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

**Statutory Authority and/or Policy issues:** The IDAPA provision for adopting Pending Rules and the legislative review process is Idaho Code Section 67-5224. There are no policy issues. This is an annual step in the rulemaking process.

**Public Involvement Process:** The public involvement process has already occurred during previous Commission meetings and Department open houses. No additional public comments were received after the Proposed Rules were filed and published.

**Staff Recommendation:** I recommend that the Commission adopt as **Pending Rules** the following Proposed Rules:

- 1) IDAPA 13.01.04 Rules Governing Licensing, Docket No. 13-0104-0801
- 2) IDAPA 13.01.04 Rules Governing Licensing, Docket No. 13-0104-0802
- 3) IDAPA 13.01.04 Rules Governing Licensing, Docket No. 13-0104-0803
- 4) IDAPA 13.01.07 Rules Governing the Taking of Upland Game Animals, Docket No. 13-0107-0801
- 5) IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals, Docket No. 13-0108-0801
- 6) IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals, Docket No. 13-0108-0802
- 7) IDAPA 13.01.08 Rules Governing the Taking of Big Game Animals, Docket No. 13-0108-0803
- 8) IDAPA 13.01.09 Rules Governing the Taking of Game Birds, Docket No. 13-0109-0801
- 9) IDAPA 13.01.11 Rules Governing Fish, Docket No. 13-0111-0801
- 10) IDAPA 13.01.11 Rules Governing Fish, Docket No. 13-0111-0802
- 11) IDAPA 13.01.16 Rules Governing the Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearers, Docket No. 13-0116-0801
- 12) IDAPA 13.01.17 Rules Governing the Use of Bait for Taking Big Game Animals, Docket No. 13-0117-0801
- 13) IDAPA 13.01.19 Rules for Operating, Discontinuing, and Suspending Vendors, Docket No. 13-0119-0801
- 14) IDAPA 13.01.20 Selection Rules for New Fish and Game License Vendors, Docket No. 13-0120-0801

**Justification:** This is a required step in the IDAPA rulemaking process.